

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOMAS SIERRA,)	
)	Case No. 18 CV 3029
Plaintiff,)	
)	Judge John Z. Lee
v.)	
)	Magistrate Judge M. David Weisman
REYNALDO GUEVARA, et al.)	
)	
Defendants.)	
)	JURY TRIAL DEMANDED

PARTIES' JOINT STATUS REPORT

Pursuant to the Court's Order (Dkt. 364), the parties in the above captioned matter submit the following joint status report:

A. Remaining fact discovery:

The parties' positions regarding remaining fact discovery are set out in Defendants' Motion for Extension of Fact Discovery (Dkt. 365) and Plaintiff's Response in Opposition (Dkt. 368). As explained in Defendants' motion, counsel for witness Alberto Rodriguez informed the parties that Mr. Rodriguez intends to assert his Fifth Amendment rights at his deposition. Defendants intend to file a motion before the next status compelling him to testify substantively.

B. Expert discovery:

It is Plaintiff's position that the Court should set an expert discovery schedule and proposes the following dates: Plaintiff's Rule 26(a)(2) disclosures due July 15; Defendants' Rule 26(a)(2) disclosures due August 15. Plaintiff plans to have between 3 and 5 retained experts. For his *Monell* claims, Plaintiff expects to rely on three retained experts—generally, one on police practices and file suppression (similar to the report disclosed in the *Reyes v. Guevara* and *Solache v. Chicago* matters), one on discipline and training (again, similar to the report disclosed

in the *Reyes v. Guevara* and *Solache v. Chicago* matters), and one on eyewitness identification policies and procedures (similar to the reports disclosed in *Rivera v. Guevara* and *Velez v. Chicago*). Defendants are aware of the general contours of those retained expert reports from these other cases. The data on which these experts rely may vary from those data used in other cases. For the individual case, Plaintiff expects to rely on two retained experts—generally, one on police practices and one on eyewitness identifications. At least one of those experts and likely both will be the same experts offering *Monell* opinions as discussed above.

Defendant’s position is that the Court should not set an expert discovery schedule until fact discovery is completed. Rodriguez and Montanez are significant witnesses in the case, and Defendants will be in a better position to assess the scope of expert discovery once they are deposed. In addition, the *Monell* discovery in this case overlaps with other cases somewhat. But the schedule Plaintiff proposes is much shorter and ahead in time than the schedules already set in other cases. And Plaintiff has informed Defendants that “the data on which these experts rely may vary from that used in other cases.” The fact that the datasets differ is significant because the experts’ reports are likely to be highly data driven.

Dated: June 3, 2022

Respectfully submitted,

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